

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application and for indicating that claim 4 has been allowed.

Foreign Priority

A certified copy of Taiwanese application, TW 092107780, having a filing date of April 4, 2003, and a certified Chinese application, CN 03137381.X, having a filing date of June 19, 2003, were submitted to the USPTO on July 13, 2004. A copy of the returned postcard is enclosed in the Appendix.

A certified copy of the corresponding PCT application, PCT/CN03/00477, having a filing date of June 19, 2003, is being obtained and will be filed in due course.

Disposition of Claims

Please cancel previously withdrawn claims 2-3, 5-6, 8, 10-11, 13-14, and 16, without prejudice or disclaimer. Please also cancel claims 1 and 7, without prejudice or disclaimer, in order to expedite the prosecution of this application. Please add claims 17 – 19.

After these amendments, claims 4, 9, 12, 15, and 17-19 are pending in this application. Claims 4, 9, 12, and 15 are independent. Claims 17-19 depend, respectively, from claims 9, 12, and 15.

Claim Amendments

Claims 9, 12, and 15 have been re-written in independent form, including limitations of the original claims 1, 4, and 7, respectively. In addition, claims 9, 12, and 15 have been amended to clarify the ischemic diseases to be treated. New claims 17-19 have been added to further delineate specific ischemic diseases. Support for these amendments can be found at least

in, for example, paragraphs [0035] and [0039] of the specification. No new matter has been introduced by these amendments.

Please note that these amendments are made to clarify the invention recited, not in view of any prior art.

Rejection(s) under 35 U.S.C § 102

Claim 7 was rejected under 35 U.S.C. § 102(b) as being anticipated by Lan et al. and Zhang et al. each independently. Claim 7 has been cancelled, rendering this rejection moot.

Claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by Khroyan et al. Claim 1 has been cancelled, rendering this rejection moot.

Rejection(s) under 35 U.S.C § 112

Claims 9, 12, and 15 were rejected under 35 U.S.C. § 112, first paragraph, as not being enabling. These claims have been amended in this reply to recite the treatment of ischemic diseases. Therefore, this rejection is now moot. Please note that the deletion of “prevention of an ischemic disease” is without prejudice or disclaimer. Instead, it is made to expedite the prosecution of this application.

Claims 9, 12, and 15 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. These claims have been amended to clarify the type of ischemic diseases recited. To the extent this rejection may still apply to the amended claims, it is respectfully traversed.

The amended claims now recite treatment of ischemic diseases that are responsive to the level of eNOS. Ischemic diseases (ischemia) result from obstruction of arterial blood supply or inadequate blood flow leading to hypoxia in the tissues. The compositions of the invention are capable of maintaining or increasing the levels of eNOS, leading to increased production of NO,

a potent vasodilator. As a result, compositions of the invention can increase blood supply to the ischemic tissues.

One of ordinary skill in the art would know what an "ischemic disease" is. Therefore, the limitation "an ischemic disease" is not indefinite. Even assuming, arguendo, that "an ischemic disease" is indefinite, these claims have been amended to recite "an ischemic disease that is responsive to an expression level of epithelial nitric oxide synthase (eNOS)." Dependent claims 17-19 further delineate the ischemic diseases to include ischemic stroke, ischemic cerebral apoplexy, ischemic cerebral thrombosis, ischemic cerebral embolism, hypoxic ischemic encephalopathy, ischemic cardiac disease, and ischemic enteropathy. One of ordinary skill would know what these ischemic diseases are. Accordingly, withdrawal of this rejection is respectfully requested.

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 10112.005001).

Respectfully submitted,

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